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4 UNITED STATES DISTRICT COURT  
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6 DISTRICT OF NEVADA

7 Sam Maralan,  
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10 Plaintiff  
11  
12 v.  
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14 Nevada Property 1, LLC, a Nevada Limited  
15 Liability Company d/b/a The Cosmopolitan  
16 of Las Vegas; Wynn Las Vegas, LLC, d/b/a as  
17 XS Nightclub; and DOES 1 through 50  
18 inclusive,

19 Defendants.  
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21 Case No. 2:21-cv-02220-CDS-VCF  
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24 Order Regarding Motion to Amend  
25 (ECF No. 27) and Third Stipulation  
26 to Extend (ECF No. 30)

27 Pending before the Court is Plaintiff Sam Maralan's First Motion to Amend the  
28 Complaint.<sup>1</sup> ECF No. 27. Defendant Nevada Property 1 filed an opposition to the Motion on May  
29 13, 2022. ECF No. 29. For the reasons set forth in this Order, the motion to amend is DENIED  
30 without prejudice and the stipulation is GRANTED as set forth in this Order.

31 I. Discussion

32 Generally, Rule 15 of the Federal Rules of Civil Procedure advises that the Court should  
33 freely grant leave to amend "when justice so requires." Fed. R. Civ. P. 15(a)(2). This policy is "to  
34 be applied with extreme liberality." *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th  
35 Cir.2001)(quoting *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir.1990)).  
36 However, District of Nevada Local Rule 15-1(a) states that "[u]nless the court orders otherwise,  
37 the moving party **must** attach the proposed amended pleading to a motion seeking leave of the  
38 court to file an amended pleading. LR 15-1(a) (emphasis added). The proposed amended  
39 pleading must be complete in and of itself without reference to the superseded pleading and

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1 Defendant Nevada Property correctly notes that the motion is titled as being "ex parte." ECF No. 29 at 2. The motion is not *ex parte* as it was served on all parties. Accordingly, that language will be disregarded. Plaintiff is reminded to comply with the Local Rules governing *ex parte* communications.

1 must include copies of all exhibits referred to in the proposed amended pleading.” *Id.* Plaintiff  
2 failed to attach a copy of the proposed amended pleading to his Motion. As a result, this Court  
3 cannot consider whether the proposed amendment results from undue delay, is made in bad  
4 faith, will cause prejudice to the opposing party, or is a dilatory tactic. *Foman v. Davis*, 371 U.S.  
5 178, 182 (1962) (advising what a district court must evaluate when considering proposed  
6 amendments). Consequently, Plaintiff’s First Motion for Leave to Amend the Complaint is  
7 DENIED without prejudice.

Also pending before the Court is the parties' Third Joint Stipulation (ECF No. 30) which extends Plaintiff's time to response to Defendant Wynn Las Vegas LLC's Motion to Dismiss. ECF No. 21. The stipulation is GRANTED. Plaintiff's opposition to Wynn's Motion to Dismiss shall be due within 10 days of this Order and Wynn's reply is due with 14 days after the filing of Plaintiff's opposition.

## II. Conclusion

For the reasons set forth in this Order,

IT IS HEREBY ORDERED that Plaintiff's First Motion to Amend the Complaint (ECF No. 27) is DENIED without prejudice.

17 IT IS FURTHER ORDERED that the Third Stipulation to Extend Time (ECF No. 30) is  
18 GRANTED as modified in this Order.

Dated: June 6, 2022

  
Cristina D. Silva  
United States District Judge